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OUTGOING TELEGRAM Department of State

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ACTION: Embassy MOSCOW

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APRIL 1964

This telegram deals with three aspects of your next meeting with Gromyko:

(a) General purpose of next round (paras 1-3);

(b) Contingency instructions in event discussion goes very badly

(paras 4-7);

(c) Comments on your telegram 1988 (para 8).

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Reviewed by: Eljah Kaitz

Date: 4-4-7/2

1. We have given thought to your suggestion that we should now state to Soviets that their proposal does not form basis for negotiation and that perhaps we should turn to discussion of what will happen when they sign separate

QUOTE peace treaty UNQUOTE in order to avoid highly dangerous situation.

Although under any realistic assumption our purpose is trying to make an arrangement with Soviets is to provide for situation after signature of their

QUOTE peace treaty UNQUOTE, we are inclined to believe that, for next meeting

at least, we should still keep discussion within broader framework and not yet

however, your suggestion that all hope of arrangement other than

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2. We are surprised and disappointed by attempts to impress on Soviets that rigid maintenance of their present position will prevent agreement but that some flexibility on their part may provide basis for progress. However, meeting will provide occasion for us to get certain decisions on record which will be helpful in building public case in event of continuing deadlock and Soviet decision to publish their declaration together with Free City Statute and Protocol of Guarantees.

3. As you are aware, there has been considerable speculation that Soviets really want to bury Berlin issue and that their seemingly unhurried approach to Gromyko's exchanges with you reflects desire to talk subject to death. We know you do not share this view and evidence is certainly lacking to substantiate it. If anything Gromyko says or which comes to your attention from other sources tends to confirm such an intention, report it immediately.

4. We would, therefore, want to avoid at present stage, if at all possible, any implication that we considered talks had reached complete impasse and that only thing left was to proceed to improvisation futuristic situation after peace treaty. Should, however, your discussion with Gromyko on basis of instructions go very badly and should he clearly indicate that Soviets desire to break off talks so that they may proceed to signing of peace treaty, you may, if you consider it essential, observe that perhaps differences are so great between two positions that only practical course seems to be to focus on situation which will arise when Soviets sign separate peace treaty UNQUOTE. Highly dangerous confrontation with inevitable result

asking for confirmation of Soviet activities, and to be
if effects of these activities are to be confirmed, what to be
what Soviet activities, or to be confirmed, and to be confirmed.

5. You might then raise question of whether or not after signature of QUOTE peace treaty, UNQUOTE, between Soviets and GDR. Soviets claim that effect will be to terminate occupation and that arrangements for access to city must be made directly with GDR. As Soviet Foreign Minister well knows, Western Powers do not accept premise from which this description of events derives, namely, that Soviets by an agreement with East German regime can dispose of Western rights in Berlin which was never part of GDR. Soviets have implied, however, that as a matter of procedure, a prior agreement between four occupying powers might be envisaged which would be subject of subsequent agreement between Soviets and GDR. Soviets have indicated what they think should be content of such prior agreement. This initial Soviet position on content is clearly unacceptable to West. Since we cannot agree on status of West Berlin, or on guaranteed form of access such as International Access Authority would provide, and since Allies cannot negotiate with GDR, it would seem important to avoid dangerous situation that we attempt to find agreement on how access to Berlin will be administered after peace treaty. If we can agree that this would be useful subject for discussion, we would be prepared to proceed on this basis.

6. You might then reiterate point contained in para. 6 of basic instructions that, if Soviets have other problems with respect to Berlin they can raise these. You might also note that they have said they cannot be expected to confirm Western occupation

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We are not asking for confirmation of occupational rights, occupation rights, which do not require any special status, as one of the rights of occupation, to maintain the situation in Berlin, and we are prepared to work out any arrangements in this regard. If you consider it useful, you may also wish to refer to the present situation in West Berlin and there be any misunderstanding on part of Soviets as to status of Western sectors (para 12 of BUREAU 1415).

7. You might then conclude by again taking point about avoidance of collision course in Berlin contained in para 8 of instructions and expressing hope that Soviets will reflect upon situation which their position is creating along lines para 10 of instructions.

8. Following are comments on specific points raised in your 1988:

(a) Since none is

(a) Since your discussions with Gromyko do not purport to be on behalf of French and since we are showing them your instructions only for information at same time they are sent to you, see no reason why summary of International Access Authority proposal and all-Berlin proposal should not be put forward, as provided in instructions, as proposals for purposes of discussion in same way as you originally raised question of International Access Authority. Although distinction between exploratory talks and negotiations at times seems metaphysical, Soviets presumably aware that neither side is making binding commitments to other at present stage. As you are aware, all-Berlin proposal in form suggested for presentation to Soviets is agreed Four-Power document and is Annex in Washington Working Group Report as approved by Foreign Ministers in September 1961.

(b) Text of

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(b) Text of proposed statement to be made by you and left in writing with Group 1 is being sent in separate message.

(c) As you will note, paragraphs in para 2 and 3 of draft instructions (which also being sent you in separate message) has been modified to play down emphasis on QUOTE extreme UNQUOTE positions. However, logic of argument being put to Soviets is precisely that we are being more reasonable than they by not advancing positions which we believe to be correct but which other side maintains is totally unacceptable; this shows sincerity of our desire to reach agreement. You will note that arguments against free city have been expanded along lines suggested by you.

(d) We wonder whether our point on compatibility of International Access Authority and of overflights with QUOTE respect for GDR sovereignty UNQUOTE is not relevant. As we understand their position, Soviets have maintained that need for such QUOTE respect UNQUOTE might be met by prior Four-Power agreement which Soviets would then undertake to have GDR accept. However, they appear also to have made additional argument to you that very concept of International Access Authority, with its exclusion of area of sovereignty from GDR control, is incompatible with that sovereignty. Similar argument has been made in attacking unregulated air access to West Berlin. Purpose of argumentation in para 5 of present instruction and on overflights in previous instruction was to make point that, even judged by existing practices elsewhere, such Authority or overflights are not per se incompatible with sovereignty. This fact, combined with Soviet agreement with GDR on basis of prior Four-Power understanding, should, therefore, presumably take care of all aspects of QUOTE respect for

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respect for sovereignty of GDR UNQUOTE. While we believe foregoing argument is persuasive, and would be effective in oral statement if this subsequently published, we would not want insist on its inclusion if you believe this would really be counterproductive. Please advise us urgently if this is your conviction.

(e) Language along lines suggested by you regarding discussion of QUOTE other problems UNQUOTE has been inserted.

(f) If Gromyko should attempt to pin you down on composition Board of Governors Access Authority, you are authorized respond along lines suggested para 5 your 1988.

9. We are commenting separately on your 2026.

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